

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

John Thomas Gregg,

Petitioner,

v.

Michael Gower,

Respondent.

No. CV 04-265-MO

OPINION AND ORDER

MOSMAN, J.,

On February 14, 2006, Magistrate Judge Ashmanskas issued Findings and Recommendation ("F&R") (#47) in the above-captioned case recommending petitioner's 28 U.S.C. § 2254 habeas corpus petition (#1) be denied. No objections were filed.

The magistrate judge only makes recommendations to the district court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Ashmanskas' recommendation to DENY the petition,
and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 28th day of March, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court